



VILLAGE OF GREENDALE



6500 NORTHWAY
GREENDALE, WI 53129
414-423-2100
FAX 414-423-2107
www.greendale.org

September 7, 2018

VIA ELECTRONIC FILING

Ms. Marlene H. Dortch, Secretary
Federal Communications Commission
445 12th Street, SW
Washington, District of Columbia 20554

RE: Accelerating Wireline Broadband Deployment by Removing Barriers to Infrastructure Investment, WC Docket No. 17-84; Accelerating Wireless Broadband Deployment by Removing Barriers to Infrastructure Investment, WT Docket No. 17-79

Dear Ms. Dortch,

The Village of Greendale, Wisconsin writes to express its concerns about the Federal Communications Commission's proposed Declaratory Ruling and Third Report and Order regarding state and local governance of small cell wireless infrastructure deployment.

In October 2012 Greendale was named a National Historic Landmark District by the U.S. Department of the Interior. The award reads "Greendale, Wisconsin, one of three government-sponsored "greenbelt" communities built during the Great Depression, represents the federal response to the desperate unemployment of the era and the urgent need for housing reform for the urban working class." Greendale continues to serve as a successful model of a planned community with its pathways, green space, unique homes and historic civic buildings. Greendale is one of fewer than 2,500 historic landmarks in the country.

Greendale along with, Greenbelt, Maryland and Greenhills, Ohio, is one of three government sponsored "greenbelt" communities built as part of the Resettlement Administration under Franklin Delano Roosevelt's administration. Greendale was chosen due to its proximity to a major city (Milwaukee) and had to have enough space to develop a village center for shops, a community center and offices. Homes would be built around the center for ease of walking. To achieve all of these purposes, the government bought 3400 acres of farm land three miles southwest of the city limits of Milwaukee. Here the community was laid out with a "Greenbelt" of parkland, garden areas and farms encircling the entire so-called urban development.

In the center is the business district; nearby, at the end of the wide center thoroughfare, is the village administrative offices, just as when the village was opened for business in 1938.

While we appreciate the Commission's efforts to engage with local governments on this issue and share the Commission's goal of ensuring the growth of cutting-edge broadband services for all Americans, we remain deeply concerned about several provisions of this proposal. Local governments have an important responsibility to protect the health, safety and welfare of residents, and we are concerned that these preemption measures compromise that traditional authority and expose wireless infrastructure providers to unnecessary liability.

- **The FCC's proposed new collocation shot clock category is too extreme.** The proposal designates any preexisting structure, regardless of its design or suitability for attaching wireless

equipment, as eligible for this new expedited 60 day shot clock. When paired with the FCC's previous decision exempting small wireless facilities from federal historic and environmental review, this places an unreasonable burden on local governments to prevent historic preservation, environmental, or safety harms to the community. The addition of up to three cubic feet of antenna and 28 cubic feet of additional equipment to a structure not originally designed to carry that equipment is substantial and may necessitate more review than the FCC has allowed in its proposal. Collocations in a Historic District such as ours will not be easy or quick.

- **The FCC's proposed definition of "effective prohibition" is overly broad.** The draft report and order proposes a definition of "effective prohibition" that invites challenges to long-standing local rights of way requirements unless they meet a subjective and unclear set of guidelines. While the Commission may have intended to preserve local review, this framing and definition of effective prohibition opens local governments to the likelihood of more, not less, conflict and litigation over requirements for aesthetics, spacing, and undergrounding. The Village of Greendale recently spent nearly \$40,000 in reviewing costs and eventual litigation over one cell tower site.
- **The FCC's proposed recurring fee structure is an unreasonable overreach that will harm local policy innovation.** We disagree with the FCC's interpretation of "fair and reasonable compensation" as meaning approximately \$270 per small cell site. Local governments share the federal government's goal of ensuring affordable broadband access for every American, regardless of their income level or address. That is why many cities have worked to negotiate fair deals with wireless providers, which may exceed that number or provide additional benefits to the community. Additionally, the Commission has moved away from rate regulation in recent years. Why does it see fit to so narrowly dictate the rates charged by municipalities? The Village has had three cellular providers located on our elevated storage tank under fairly negotiated leases for over 25 years.

Our Village has worked with private business to build the best broadband infrastructure possible for our residents. We oppose this effort to restrict local authority and stymie local innovation, while limiting the obligations providers have to our community. We urge you to oppose this declaratory ruling and report and order.

Sincerely,



Todd Michaels
Village Manager

Cc: Senator, Ron Johnson
Senator, Tammy Baldwin
Representative, Paul Ryan
Greendale Village Board of Trustees